REMARKS

In accordance with the above amendments, claims 1, 2, 21, 22, 26, 40 and 41 have been amended. Currently, claims 1-2, 5-6, 9-11, 17-26, 31-33 and 40-41 have been examined. Claims 12-16 have been objected to and have not been examined on the merits.

Claim Objections

Claims 12-16 stand objected to and were not examined based on an improper multiple dependency form. This objection is believed to have been overcome by a previous amendment to claim 12 which now depends only on claim 11. Accordingly, it is believed that claims 12-16 should have been examined as part of the present Action.

Specification and Oath/Declaration

Withdrawal of the rejections regarding the specification and Oath/Declaration is gratefully acknowledged.

Claim Rejections - 35 USC § 112

Claims 1-2, 5-6, 9-11, 17-26, 31-33 and 40-41 remain rejected under 35 USC § 112, first paragraph, based on an enablement issue. The Examiner has indicated that the claims are enabled for suppressing the expression of a selected gene in a cell *in vitro*, or for modulating the expression of a selected gene in a cell *in vitro*. However, the Examiner maintains that the claims are not enabled for practicing the methods *in vivo* in a human subject with the production of a therapeutic effect as a

result of the claimed methods. While the applicants strongly disagree with this conclusion and continue to believe that the documents previously filed concerning oligonucleotide delivery (such as Oblimersen) are quite relevant to the claimed molecules, which additionally comprise a polypeptide, and that the former claims were fully enabled, the claims have been amended and presently have been limited to relate to *in vitro* methods in order to expedite allowance of claims in this application.

Accordingly, in view of the amendments proposed, the Examiner is respectfully requested to reconsider her position and withdraw this rejection.

It is also noted that claims 1-2, 5-6, 9-11, 7-26, 31-33 and 40-41 further remain rejected under 35 USC § 112, first paragraph, as failing to comply with a written description requirement. While applicants remain convinced that a combination of the state of the art and the disclosure of the present specification clearly provide adequate written description support for the previous claims, here too, in an effort to expedite allowance of claims in the present case, claims 1, 2, 39 and 40 have been amended to indicate that the nucleic acid binding portion is joined to the expression repressor portion, either directly or indirectly, by an intermediate linker or moiety.

Those amendments find basis and support, for example, on page 20, lines 4-6, and page 24, line 21-22, of the application

as filed (PCT published application). It is believed that both passages clearly indicate that the binding portion and repressor portions can be joined directly or via a linker.

It is believed that the amendments to claims 1, 2, 39 and 40 easily overcome the written description rejection because they add sufficient further clarity to the structure of the claimed molecule, in particular, indicating that the nucleic acid binding portion and the expression repressor portion are joined, either directly to one another or via a linker or moiety. In this regard, a reference is made to page 23, line 9, to page 26, line 4, of the published PCT application as filed, which passage provides details of a range of techniques (including citations to documents in the prior art) that are suitable for producing the claimed molecules in which the portions are linked to one another.

Claims 1 and 2 make it clear that the nucleic acid binding portion is capable of binding to a site in the genome at or associated with the selected gene, which function would be clearly understood by a skilled person reading those claims. Page 21, line 12, to page 23, line 7, of the PCT published application as filed provide a detailed explanation of the identity of the nucleic acid binding portion, including methods for designing and synthesizing that particular portion. Accordingly, a skilled person would clearly understand how to identify, design and/or synthesize suitable nucleic acid binding

portions required by the claimed molecules.

Similarly, it is clear from claims 1 and 2 that the expression repressor portion comprises a polypeptide or peptidomimetic and is capable of suppressing or modulating expression of the selected gene, which function would be clearly understood, and could be tested for, by a skilled person reading those claims. Page 3, line 9, to page 26, line 4, (particularly page 25, lines 11-27) of the PCT published application as filed provide details of expression repressor portions which could be used within the claimed molecules. Accordingly, contrary to the Examiner's allegation, a skilled person would clearly understand how to identify, design and/or synthesize suitable portions capable of suppressing expression of the selected gene, as required by the claims.

In view of the above, the Examiner is respectfully requested to reconsider her position and withdraw this rejection.

In view of the above amendments, taken together with the remarks herein, the examined claims are believed now to be in condition for allowance and, in addition, claims 12-16, which depend in some way from claims 1 or 2 through claim 11, should also be allowable.

Early consideration of this paper and allowance of the claims are respectfully requested.

Respectfully submitted,

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